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GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
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Letter dated 2 June 1993 from the Chairman of the Special Committee against Apartheid addressed to the Secretary-General

I have the pleasure and honour to enclose herewith the report of the mission to South Africa undertaken by a delegation of the Special Committee against Apartheid from 1 to 11 March 1993 (see annex). The mission took place in accordance with the Special Committee's programme of work for 1993.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 38, and of the Security Council.

(Signed) Ibrahim A. GAMBARI
Chairman
Special Committee against
Apartheid

* A/48/50.

ANNEX

Special Committee against Apartheid

Report of the Chairman of the Special Committee against Apartheid on his Mission to South Africa, 1 to 11 March 1993

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I. INTRODUCTION

1. At its sixteenth special session on 12-14 December 1989, the General Assembly adopted by consensus the Declaration on Apartheid and its Destructive Consequences in Southern Africa.[1] This historic document was a milestone in the international solidarity against the system of apartheid in South Africa and has been providing the overall guidelines for the international community in its efforts to assist eliminating apartheid in South Africa. The declaration has become, in essence, the internationally accepted yardstick for assessment of the progress made in South Africa towards the establishment of a united, non-racial and democratic society.

2. While 1991 witnessed some positive changes in South Africa, including the repeal of key apartheid legislation,[2] some deeply disturbing problems resulting from decades of apartheid continued to affect political developments in South Africa. Those were mainly related to the persistent and high levels of violence, and the socio-economic disparities between Whites and the country's vast majority of Blacks.

3. One of the most significant developments of the year was the holding of the first session of the Convention for a Democratic South Africa (CODESA I) in Johannesburg on 20 and 21 December, 1991, which was attended by nineteen parties and organisations as well as numerous observers. In a referendum on 7 March 1992, President F.W. de Klerk obtained support from 68.7% of the more than 2.8 million white voters for the "continuation of the reform process which the State President began on 2 February 1990 and which is aimed at a new constitution through negotiations". Following encouraging negotiations during the first couple of months of 1992 a second meeting of CODESA was held on May 15 and 16, 1992. The discussions, however, reached a deadlock mainly due to a failure to reach an agreement on a number of issues related to

the constitution-making process.

4. In the wake of the Boipatong Massacre on 17 June 1992, and at the request of the Organization of African Unity (OAU) the Security Council held a formal meeting on 16 July, and unanimously adopted resolution 765(1992), which authorized the Secretary General to urgently dispatch a Special Representative to consult with the parties in South Africa, in order to recommend measures that would assist in bringing an effective end to the violence and in creating conditions for negotiations. As a result of recommendations made by the Secretary General on the basis of findings by his Special Representative,[3] the Security Council authorized the establishment of the United Nations Observer Mission in South Africa (UNOMSA). Its deployment started in September and had reached full strength at the end of November.

5. While the increasing levels of violence were acknowledged to be a serious impediment to meaningful negotiations, renewed contacts between the Government and African National Congress (ANC) led to a high level meeting between Mr. Nelson Mandela and Mr. F.W. de Klerk on 26 September 1992. The meeting resulted in a Record of Understanding, which in addition to the release of remaining prisoners, also reflected agreement on a number of other outstanding issues including those relating to the constitution-making process, the carrying and displaying of dangerous weapons on public occasions and to the fencing of a number of hostels. Also other bilateral contacts took place between parties involved. These included meetings held in Nigeria and Botswana between the Government and the Pan Africanist Congress (PAC) which laid the foundations for further negotiations in South Africa and the resumption of multi-party negotiations with the participation of PAC.

6. In May 1992, the Special Committee against Apartheid had sought to promote a more comprehensive understanding of the serious

and potentially destabilizing problems relating to the glaring socio-economic inequalities, by organizing a seminar in Windhoek. The seminar brought together a wide range of sectors in South Africa, including liberation movements, academic institutions, business and labour, and representatives of United Nations bodies and agencies.

7. Towards the end of 1992 several complex and inter-linked factors, such as the widespread violence, the continued economic down-turn and the festering socio-economic developments had led to a recognition that a resumption of multi-party negotiations was urgently needed as the only way to achieve a united, non-racial and democratic South Africa. In order to obtain a first-hand understanding of these factors and the political process under way in South Africa, as well as an understanding of how that process could be further encouraged and of the role which the international community could play in that respect, the Special Committee against Apartheid included in its work programme for 1993 a mission of consultations to South Africa. The mission took place from 1 to 11 March 1993.

8. The mission was led by the Chairman of the Special Committee against Apartheid, Professor Ibrahim A. Gambari, Permanent Representative of Nigeria to the United Nations and composed of Ambassador Victor H. Batiouk, Permanent Representative of Ukraine to the United Nations and Vice-Chairman of the Special Committee, Mr. Suresh K. Goel (India), Rapporteur of the Special Committee, Mr. Garaudy Laguerre (Haiti) and Mr. Abdullahi A. Omaki (Nigeria). Mr. Johan Nordenfelt, Director of the Centre against Apartheid and Ms. Shenaz Nagji, also from the Centre, accompanied the mission. The mission established contact and held broad-based consultations with high-ranking representatives of major parties in the current political process towards peaceful change and the full elimination of the apartheid system, and with a wide range of civic, religious, business, labour and media leaders, as well as with various non-

governmental organizations and academic institutions.

9. A schedule of meetings held in South Africa is annexed to the present report (see appendix).

II. AN OVERVIEW OF THE MISSION

Various aspects relating to violence:

10. Discussions with various parties and groups confirmed that a substantial degree of violence arises out of political factors. A very high level of violence is due to socio-economic causes and also to ordinary criminal patterns. Statistics compiled by the National Peace Committee for the period January - October 1992 indicate that deaths and serious incidents of violence attributed to political motives ranged between 7000 - 11000 and 15000 respectively. On the other hand, in the case of other violence than political for the same period, South Africa had 30,000 deaths, 115,000 serious crimes, 500,000 incidents of house-breaking and 120,000 incidents of armed robberies. The statistics given by the South African Police (SAP) indicated that there had been about 18,000 murders in South Africa in 1992 out of which 2400 were politically related, and figures made available to the mission by the Human Rights Commission indicate that murders committed with a political motive represented 13% of all deaths in the period January-October 1992. While there are discrepancies due to differences in methods, areas and time frames covered by figures given, the pattern appeared to indicate that violence attributed to other than political motives, has assumed an even more serious dimension than political violence. However, the latter, although in pronounced decline over the last couple of months, continues to mar efforts to create an atmosphere conducive to peaceful political activities.

11. Although levels of political violence are reported to be particularly high in Natal/Kwazulu, in the Vaal area and in the Ciskei/Border areas, its occurence is widespread and leaves few areas untouched. A widely held view is that the violence can be turned on or off at will; each time political progress seems to be about to be achieved violence erupts distracting major players and threatening to derail the process. Whereas the most important source of political violence was seen by some to be the rivalry for political control in certain areas, others ascribed it to clandestine activities by parts of the security forces, working in collusion with white right wing groupings, or certain homeland police forces. Concern was expressed on the existence of a large number of unlicensed fire arms as well as some 2.5 million licensed weapons in the possession of individuals potentially involved in private army activities. Additionally, the smuggling of arms and weapons into South Africa, could aggravate the fragile situation in the country. Actions by certain security force units, such as 31 Battalion and Koevoet, the lack of fencing at a number of hostels in the Vaal area and the carrying of dangerous weapons in public were singled out by many as particularly serious obstacles to controlling the ongoing violence. While recommendations have been made by Judge Goldstone to fence a defined number of hostels and to disallow the carrying of Hose weapons in public, and there was an understanding between ANC and the South African Government to that effect, resistance from the Inkatha Freedom Party (IFP) and threats by hostel dwellers were cited as grounds for the apparent unwillingness of the South African Government to take the necessary actions in this regard, limiting the possibilities to achieve a solution to these problems. The announced disbanding of 31 Battalion and Koevoet was criticized as insufficient on the grounds that its members had merely been redeployed to other units; others defended the dispersal as a better alternative than leaving the members of these units unemployed and outside any control.

12. Other major factors pointed to as contributing to the

widespread violence, are the socio-economic inequalities which have led to a large scale migration of rural poor into urban areas, high levels of under-education and illiteracy and a large unemployment amongst the majority of the black population.

13. The need for proper elections to local administrating bodies in townships and rural areas was emphasized, for them to have the credibility needed to deal with problems prone to lead to violence.

14. The South African Police (SAP) has long been considered by the majority of the population as an instrument for the enforcement of Apartheid policies. Its lack of credibility in the communities worst hit by violence, and the inadequate level of police manpower were also frequently mentioned as factors which tend to worsen the existing situation.

15. Almost all groups and parties contacted tended to believe that there was a strong possibility of an increase in the violence as the date for elections drew closer. The expected increase in the violence was mostly ascribed to political competition between rival parties, and particularly to the possiblity of attempts to derail the process by parties which may fear they are not able to win sufficient support in the coming one-man-one-vote election. Another reason mentioned was the above-mentioned inadequacy of resources of the police making it difficult to maintain law and order both at the upto 7,000 polling stations during the elections, and elsewhere at the same time. This problem would be exacerbated if the police were seen to be under the exclusive control of the present Government.

16. There was a general belief, including in the SAP, that there was an urgent need for their reorientation and re-training in the functions and duties of a police force in an open and democratic society. Only when the police was perceived by all citizens as a service for the protection of their rights and social peace rather

than as a force of repression would there be real hope of success in reducing crime and tackling the issue of violence in a manner both effective and politically acceptable. While the SAP is in the process of taking certain measures to promote such re-training, it was felt that the task could be more effectively executed with assistance and inputs from outside South Africa. The mission was informed that the South African Police would also start a programme of demilitarization of its organization and structure. As part of this process the present use of military ranks and titles would be changed in line with those used in many other democratic countries.

Role of the National Peace Accord Structures:

17. The National Peace Accord was signed on 14 September 1991. Among the 24 signatories were political parties and organizations, trade unions and civic organizations. The Accord, which contains a code of conduct both for the security forces and for political parties and organizations, allows for mechanisms to implement and enforce its provisions, and proposes specific measures to facilitate socio-economic reconstruction and development in the areas devastated by violence. The main structures of the National Peace Accord are:

i) The National Peace Committee, which is chaired by Mr. John Hall, is made up of representatives of the signatories under a chairman and vice-chairman drawn from religious and business communities. It monitors and makes recommendations on the implementation of the Peace Accord.

ii) The National Peace Secretariat, which is headed by Mr. Antonie A. Gildenhuys, is comprised of at least four persons nominated by the National Peace Committee. It establishes and coordinates regional and local dispute resolution committees.

iii) The Commission of Inquiry regarding the Prevention of

Public Violence and Intimidation is chaired by Judge Richard Goldstone. It is a statutory body which investigates violent incidents and makes recommendations on how violence and intimidation can be prevented.

18. While it was readily admitted that the functioning of these structures had perhaps not always been perfect, and that they could be further strengthened and improved, it was generally held however, that these structures and the National Peace Accord itself had come to provide a generally acceptable framework for the overall examination of and dealing with the question of violence in South Africa. One important initiative resulting from the activities of the National Peace Committee and the National Peace Secretariat has been the setting up of regional and local peace committees. These have as members, among others, representatives of the main political parties, civic and religious organisations, tribal and local authorities and police and defence forces, in order to involve as many important actors as possible in the efforts to deal with violence at levels closer to where it occurs. Confidence-building measures of various kinds between the people, the police and defence forces and the political parties were deemed of critical importance. As socio-economic factors are important causes of violence in the South African society, it was emphasized that it was essential to provide the regional and local peace committees with adequate resources to undertake socio-economic programmes at the grassroots level. However, such funds had so far been lacking.

19. It is the impression of the mission that the Goldstone Commission is widely respected as a non-partisan and impartial body and that its investigations of public violence and its recommendations for dealing with its various aspects are largely supported, although not always acted upon by all political players. The need was often stressed for the Government to act without delay on the Goldstone Commission's recommendations regarding a ban on

the carrying of dangerous weapons in public and the fencing of a number of defined hostels.

20. Some of the political parties, including the Pan Africanist Congress of Azania (PAC) and the Conservative Party (CP), have not signed the National Peace Accord. The leaders of Transkei, Venda, Bophuthatswana, and Ciskei have also not signed the accord.

Role of International Observers:

21. The role of international observers deployed by the United Nations under Security Council Resolution 772, and by the Organization of African Unity (OAU), the European Community (EC) and the Commonwealth, and their influence in containing situations of violence, was positively commented upon by all parties, movements, non-governmental organisations, business groups and academic institutions with which the mission met. A clear indication of the positive effects attributed to the presence of international observers was the decrease in incidents of political violence over the last couple of months. However, it was felt by some important political organizations that both the number and the mandate of the observers should be expanded, so that they could play a more active and effective role in controlling and investigating violence, including examining government investigations of incidents of violence.

22. While there were mixed opinions on the usefulness and feasibility of a peace-keeping role for the United Nations, it was almost an unanimous view that the international community and, in particular, the United Nations would need to play a considerably expanded role in connection with the coming elections in South Africa both at a time of elections and during a period of a few months before the elections. The presence of international election observers would have to be on a scale commensurate with the task. It was underscored by many parties, including the

Government, that the experience of the elections in Angola must be avoided in South Africa at all costs.

Political Process:

23. When the delegation was in South Africa, there was an atmosphere of cautious optimism in spite of the many risks to the peaceful process from those who wished to derail it, that the ongoing process of peaceful political change through multi-party negotiations will achieve the goal of a democratic, non-racial and united South Africa. Most political players including the South African Government agreed that the discussions in the multi-party negotiations would lead to the establishment of a transitional executive council and elections for an interim/transition government and a constituent assembly, by April 1994 or before. There appeared to be a clear determination by the major actors to continue this political process despite several impediments, particularly those related to violence, and to overcome the frequent expressions of political intolerance.

24. The preparatory meeting for resumed multi-party negotiations was held on March 5-6, 1993. An important gain at this meeting was considered to be an understanding reached concerning a "sufficient consensus" to allow the multi-party negotiations to proceed. A significant portion of the political leadership involved indicated during discussions with the members of the mission, its determination not to allow the negotiations to be disrupted. The debate at this time seemed to focus on the type of State - the degree of devolution of powers to regional and local government and the source of residual powers - and on the extent and mandatory character of principles for the future constitution to be agreed on in advance, the type and methods of the first election, the question of control of the security forces and of maintenance of law and order prior to the elections, and on the constitutional provisions to apply until a new constitution had been adopted. The

distrust between main actors, the lack of political tolerance of many of their followers and the related questions of unimpeded access for campaign activities to all areas including the homelands, were also subjects of concern in the debate.

25. With 26 participants including PAC and the CP (compared to 19 participants at the two CODESA meetings), the participation in multi-party negotiations was seen as almost fully inclusive thus increasing the probability of the result of the negotiations being acceptable to the vast majority of political players.

Socio-Economic Situation:

26. The Special Committee against Apartheid has persistently highlighted the need for addressing the socio-economic disparities in South Africa, as an indispensable component of the process of ending the legacies of apartheid and building a stable non-racial democracy there. Some figures in a report published by the South African Institute of Race Relations in March highlight such disparities. For instance, the unemployment rate amongst blacks was 25% compared to 4% for whites, the monthly household income for blacks was R 779 compared to R 4679 for whites and as many as 58% of black households earned less than R 700 a month. The resulting high level of rural-urban migration, the rise in the urban crime rate and the rapidly increasing scale of violence related to socio-economic causes, are putting severe strains on the political and civil structures of South Africa. High expectations of the majority of South Africans for quick and effective responses to these problems are foreseen to put serious pressure on a democratically elected government with only limited resources at its disposal.

III. CONCLUDING OBSERVATIONS

27. The mission offered the delegation of the Special Committee a unique opportunity to meet and establish direct personal contacts with a cross-section of South Africans in leadership position both public and private, to learn about the ongoing process of transition and to exchange ideas. The experience gained will unquestionably enrich the understanding of the Special Committee against Apartheid of political developments in South Africa, and its continued work. Various groups thanked the Special Committee against Apartheid for its positive role in creating an international opinion against apartheid in South Africa and for the support it had given to the liberation movements during the difficult years of their struggle. Its support, since the beginning of multi-party negotiations in 1991, for the process of peaceful change as a whole, was noted and appreciated. In general, there was pronounced willingness by all parties to meet with the mission and to cooperate with the Special Committee.

28. Considering the views expressed in the course of the mission's visit to South Africa, it is the understanding of the mission that the process of change through peaceful negotiations is still fragile and needs a more active support by the international community. This would be particularly important in three areas of special concern with regard to South Africa's immediate and medium term prospects for a stable transition to a non-racial democracy, namely the threat to the process posed by political violence; the need that one-man-one-vote elections be seen to be free and fair; and the need to facilitate the full participation of a new South Africa in international cooperation and in particular with regard to assistance for the reconstruction of its economy.

IV. RECOMMENDATIONS

29. The following is recommended:

a. The number and mandate of the present United Nations observers should be expanded to enable them to play a more active role in containing violence.

b. The United Nations needs to begin examining immediately the requirements as to functions and capabilities of international electoral monitors in South Africa. Consideration should be given to the fact that for the effective monitoring of the election process as a whole, deployment would need to begin several months in advance of the actual elections. Effective coordination with the national election commission (envisaged as a component of a transitional executive council), with the National Peace Accord structures and with already deployed international observers would be essential.

c. The nature of the United Nations Observer Mission in South Africa could perhaps be modified to become "United Nations Transition Mission in South Africa" with a view to promoting and assisting, as requested, the multi-party negotiations; assisting the National Peace Accord structures in investigating violence; and monitoring of the elections process, including its technical preparations, and the conduct of the election campaign.

d. The international community can assist in voter education with regard to democratic core values and political tolerance. The Special Committee against Apartheid intends to contribute to responding to this need by co-sponsoring a seminar in this area to take place in Cape Town in July 1993.

e. There is an urgent need for the relevant bodies and agencies of the United Nations system to start detailed planning for programmes of socio-economic assistance coordinated with other international agencies, particularly in the health, housing, education, and employment sectors. Such programmes are crucial for the ability of a new democratically elected non-racial government to begin meeting the high expectations of a majority of the population, and thereby to help ensuring a stable and smooth transition.

f. Urgent consideration should be given to convening a resource mobilization conference enabling a new government, following one-man-one-vote elections, to immediately begin programmes, in cooperation with international agencies, of tangible change for disadvantaged South Africans.

g. Following one-man-one-vote elections and the establishment of a non-racial government and a constituent assembly/interim parliament, the General Assembly would need to consider the question of a resumption of the participation of South Africa in its work. In this context, the General Assembly may wish to consider holding a special session to evaluate such communication as may have been received from a new government with regard to the question of South Africa's resumption of its seat at the General Assembly.

APPENDIX

List of meetings held by the Team

Monday, 1 March 1993 (Johannesburg)	Meetings with: Chairman of the National Peace Committee-Mr. John Hall; Special Representative of the OAU Secretary General-Ambassador Legwaila J.M.J. Legwaila; Deputy Chief of Mission of UNOMSA-Mr. Ismat Steiner; and Mr. Clarence Makwetu, President of the Pan Africanist Congress of Azania (PAC)
Tuesday, 2 March 1993 (Johannesburg)	Meetings with: Representatives of the Consultative Business Movement (CBM); ANC delegation headed by its National Chairman, Mr. Oliver Tambo; Former Chairman of the Democratic Party, Mr. F. Van Zyl Slabbert; and the Chief Editor of The Star, Mr. Richard Steyn, and a group of senior media representatives.
Wednesday, 3 March 1993 (Johannesburg)	Meetings with: Chairman of the National Peace Secretariat, Mr. Antonie Gildenhuys; and the Chairman of the Commission of Inquiry into Public Violence and Intimidation, Justice Richard Goldstone.
Thursday, 4 March 1993 (Johannesburg)	Meetings with: Dr. Alex Boraine, Executive Director, IDASA; the Minister for Constitutional Development and Communication, Mr. Roelf Meyer; and the Minister for Foreign Affairs, Mr. R.F. Botha.

Friday, 5 March 1993 (Cape Town)	Meetings with: Representatives of the CBM; representatives of The Black Sash; Mr. Jan Steyn (outgoing Chairman), Professor Wiseman Nkuhlu (incoming Chairman), Professor and other representatives of Independent Development Trust (IDT); Archbishop Desmond Tutu; Ambassadors of Canada, Denmark, Italy, the Netherlands, Norway, Sweden, and the USA, and Dr. Allan Boesak, Chairman of ANC, Western Cape.
Sunday, 7 March 1993 (Cape Town)	Meeting with: Mr. Z.J. De Beer, leader of the Democratic Party.
Monday, 8 March 1993 (Durban)	Meetings with: Dr. Oscar O. Dhlomo, Executive Chairman, and other representatives of Institute of Multi-party Democracy (MPD); Dr. Jairam Reddy, Vice-Chancellor, University of Durban-Westville; Representatives of the Legal Resources Centre.
Tuesday, 9 March 1993 (Ulundi)	Meeting with Dr. Mangosuthu G. Buthelezi, President, Chief Minister of Kwazulu, President of IFP.
Wednesday, 10 March 1993 (Johannesburg)	Meetings with: Dr. Nelson Mandela, President of ANC; representatives of the South African Institute for Race Relations; Rev. Frank Chikane, South African Council of Churches; Ms. Nadine Gordimer, Nobel Laureate in Literature; Mr. Sam Ramsamy, President, National Olympic Committee of South Africa; Mr.

Jay Naidoo, President, and other representatives of COSATU.

Thursday, 11 March 1993 (Johannesburg)

Meetings with: General André Pruis, South African Police; Ambassador J.B. Shearar Deputy Director-General, Ministry for Foreign Affairs; Prof. John Barratt, Director, and other representatives of the South African Institute of International Affairs; Mr. Gora A. Ebrahim, Foreign Secretary of PAC.

NOTES

1. Resolution S-16/1 of 14 December 1989

2. The Abolition of Racially Based Land Measures Act, No. 108, of 1991, adopted in June 1991, annulled the Group Areas Act, No. 36, of 1996 the Black Land Act, No. 27, of 1913, the Development Trust and Land Act, No. 18, of 1936, and the Black Communities Development Act, No. 4, of 1984. In June 1991, the South African Parliament adopted the Population Registration Act Repeal Act, No. 114, of 1991, which legalled marked the end of the race classification in South Africa.

3. S/24389